IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2907 of 2005

Between:

1 M.Chandrasekhar, S/o.M.Raja Gopal,
2 G.Pedda Papa, D/o.G.Shealiah,
3 I.Bhaskar, S/o.I.Srinivasulu,
4 B.Mohan, S/o.B.Adaiah,
5 G.Mahesh, S/o.G.Subramanyam,
6 D.Prasad, S/o.D.SwamiNaidu,
7 B.Lokanadham, S/o.B.Ramaiah,
8 M.Sridhar, S/o.M.Sheshadri,
9 S.Subrahmanyam, S/o.S.Penchalaiah,
10 S.Subba Rao, S/o.S.Krishna Murthy,
11 G.Raghuram, S/o.G.Pedda Masthanaiah,
12 G.Veeraghavulu, S/o.G.Subramanyam Reddy,
13 G.Balakrishna, S/o.G.Venkateswarlu,
14 G.Naga Raju, S/o.G.Ramanamurthy,
15 P.Prasoona, D/o.P.Ponnaiah,
16 K.Gnanamba, D/o.K.Nagaiah,
17 A.Rajini, D/o.A.Radhakrishna,
18 A.Sreedevi, D/o.A.Ramamoorthy,
19 P.Subbanna, S/o.P.M.Eswaraiah,
20 P.Subrahmanyam, S/o.P.Pattabhi,
21 D.Venkateswarlu, S/o.D.Rajaiah,
22 G.Subrahmanyam, S/o.G.Radha Reddy,
23 S.Kumar, S/o.S.Babu,
24 P.Balaji, S/o.P.Tirupal Reddy,
25 G.Naga Raju, S/o.G.Venkata Subbaiah,

26 G.Muni Ramaiah, S/o.G.Venkat Muni,
27 K.Perumal, S/o.K.Krishnachari,
28 P.Siva Rao, S/o.P.Subramanyam,
29 K.Bathaiah, S/o.K.Venkataiah,
30 A.Syam Sundhar, S/o.A.Krishnaiah,
31 M.Sundhara Ramaiah, s/o.M.Ramanaiah,
32 M.Venkatadri, S/o.M.Venkataiah,
33 B.Ravi, S/o.B.Rami Reddy,
34 G.Venkat, S/o.G.Chenchaiah,
35 P.Ravi, S/o.P.Balakrishnaiah,
36 B.Ramakrishna, S/o.B.Gerakaiah,
37 A.Venkata Rao, S/o.A.Venkaiah,
38 J.Mani, S/o.J.Chinna Swami,
39 G.Chandra, S/o.G.Subbarayalu,
40 B.Chengalrayalu, S/o.B.Srinivasulu,
41 K.V.Subbaiah, S/o.K.Buddaiah,
42 I.Anu, D/o.I.Chengalrayalu,
43 P.Muni Ratnam, S/o.P.Eswaraiah,
44 K.Sai Prakash, S/o.K.Srinivasulu,
(ALL ARE WORKING AS SECURITY GUARDS IN SRI KALAHASTHI DEVASTHANAM,
SRIKALAHASTHI, CHITTOOR DIST.)

PETITIONERS.

AND

1 The Govt.of A.P., represented by the

Commissioner of Endowments, Tilak

Road,Hyderabad.
2 Sri Kalahasthi Swamyvari Devasthanam,

Srikalahasthi, Chittoor District,
Represented by its Executive Officer, And Joint

Commissioner of Endowments.
3 Sri Nandi Securities Services, Srikalahasthi,
represented by Sri Munaiah, Person-in-Charge,

Sri Mandi Securities Services, Srikahalsthi,

Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in issuing the proceedings calling for tenders and later awarding contract to the 3rd respondent on nomination basis to engage Security Personnel for Guarding the 2nd respondent Devasthanam, its guest houses, choultries etc., as illegal arbitrary, violative of principles of natural justice and the provisions of Sections 10 and 12 of Contract Labour (Regulation and Abolition) Act, 1970 and violative of Articles 14, 16 and 19(1)(g) of the Constitution of India and consequently direct the 2nd respondent to continue to utilize the services of the petitioners and to regularise their services and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.RAVI SANKAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the other respondents: Ms. Indrani.

The Court at the admission stage made the following :

O R D E R

Petitioners have been engaged as security guards in Sri Kalahasthi Swamywari Devasthanam, Kalahasthi, Chitoor District (for short 'Devasthanam), by various contractors, who have emerged as highest bidders. Their grievance is that though the Devasthanam issued a tender notice in December, 2004, it awarded the contract to the 3rd respondent, on nomination basis and in view of the same, they are likely to be displaced.

2. Heard the learned counsel for the petitioners, Government Pleader for Endowments and the Standing Counsel for Devasthanam.

3 . Whatever may be justification in insisting on acceptance of the tenders on the basis of the rates quoted by the tenderers, while

granting of contracts of different types, the agency, which invited tenders for the purpose of selecting the security service, deserves to be viewed from a different angle. It is not the rates quoted by the tenderers alone, that become relevant. The concerned agency has to be satisfied about the competency, honesty, bona fides, etc., of the tenderer. Viewed from that angle, the selection of the 3rd respondent by the Devasthanam, cannot be said to be tainted with any illegality. At any rate, the petitioners are not the tenderers. Therefore, this Court is not inclined to grant any relief to the petitioners and hence the writ petition is accordingly dismissed.

4. No order as to costs.

AVS ----------

21.02.2005

To

1 The Commissioner of Endowments,Govt.of A.P.,

Tilak Road,Hyderabad.
2 Executive Officer, And Joint

Commissioner of Endowments.
Sri Kalahasthi Swamyvari Devasthanam,

Srikalahasthi, Chittoor District,

3. Two C.Cs. to G.P. for Endowments, A.P. High court Buildings, Hyderabad (out).

4. Two C.D. copies.